

Attorney Docket No. 2003P04841US-01
Application No.: 10/812,874
Page 4 of 5

REMARKS

The Office Action dated 22 December 2004 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1, 2, 8-12 and 17-20 have been cancelled without prejudice or disclaimer, claims 3 and 13 have been amended, and claims 4-7 and 14-16 remain as originally filed. Thus, claims 3-7 and 13-16 are respectfully submitted for reconsideration by the Examiner.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,474,048 to Yamazaki et al. ("Yamazaki") in view of U.S. Patent No. 5,584,278 to Satoh et al. ("Satoh"). These rejections are respectfully traversed in view of the above amendments to claim 3 and the following comments.

Claim 3 recites a system including *inter alia* "refueling tube includes an inlet and an outlet, the inlet is disposed above the fuel tank and out of fuel vapor communication with the fuel vapor headspace, and the outlet is disposed in the liquid fuel space proximate the bottom of the fuel tank." Support for this combination of features may be found in Applicant's specification as originally filed at, for example, paragraph 0017.

In contrast, Yamazaki shows an opening 2a (Figures 2 and 3) or a communication pipe 2b (Figure 5) that provides fuel vapor communication between a filler tube 2 and the interior of a fuel tank 1. See Yamazaki column 3, lines 44-47, and column 5, lines 31-41.

Satoh is cited for teaching a housing arrangement, but fails to overcome the deficiencies of Yamazaki, as described above. For at least these reasons, it is respectfully submitted that the rejection under 35 U.S.C. § 103(a) should be withdrawn and claim 3 allowed. Moreover, claims 4-7 and 13-16 recite the same combination of allowable features as well as reciting additional features that further distinguish over the applied prior art, and are therefore also allowable over the applied prior art.

Attorney Docket No. 2003P04841US-01
Application No.: 10/812,874
Page 5 of 5

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of claims 1-20.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: 22 April 2005

By: 

Scott J. Anchell
Reg. No. 35,035

Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. 202.739.3000
Fax. 202.739.3001